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AC SQUARE, INC., AFSHIN GHANEH,
ANDREW BAHMANYAR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DANIEL KEATING-TRAYNOR on
behalf of himself and all others similarly
situated,

Plaintiffs,

v.

AC SQUARE, INC.; COMCAST INC.;
AFSHIN GHANEH; ANDREW
BAHMANYAR; and DOES 1 THROUGH
60, inclusive,

Defendants.

Case No. CV-08-3035-EDL

**[CALIFORNIA ACTION NO. CIV 464144
(CONSOLIDATED BY ORDER OF
COURT WITH CIV 473571)]**

**[PROPOSED] ORDER GRANTING
DEFENDANT AC SQUARE, INC.'S
MOTION TO DISMISS**

Date: August 19, 2008

Time: 9:30 a.m.

Dept: Courtroom E, 15th Floor

**Judge: Honorable Magistrate Judge
Elizabeth D. Laporte**

Defendant AC Square, Inc.'s Motion to Dismiss Plaintiff's first, second, third, fourth and fifth causes of action from Plaintiff's Complaint, action number CV-08-3025-EDL came on regularly for hearing before this Court on August 19, 2008. Ronald A. Peters, Esq. appeared as attorney for defendant, AC Square, Inc. Daniel Berko appeared as attorney for plaintiff, Daniel Keating-Traynor. After considering the moving papers, the papers submitted in opposition to the motion, the papers submitted in reply to the opposition, arguments of counsel and all other matters presented to the Court, IT IS HEREBY ORDERED THAT, the motion is GRANTED. Plaintiff's first cause of action for "Conspiracy to Violate Business and Professions Code § 17200" is dismissed as it fails to state facts sufficient to constitute a cause of action against AC Square, Inc.;

1 Plaintiff's second cause of action for "Violation of Fair Labor Standard Act" is dismissed as it fails
2 to state facts sufficient to constitute a cause of action against defendant AC Square, Inc.; Plaintiff's
3 third cause of action for "Conspiracy to Violate the Fair Labor Standard Act" is dismissed as it fails
4 to state facts sufficient to constitute a cause of action against defendant AC Square, Inc.; Plaintiff's
5 fourth cause of action for "Failure to Pay Monies Due at Termination of Employment" is dismissed
6 as it fails to state facts sufficient to constitute a cause of action against defendant AC Square, Inc.;
7 Plaintiff's fifth cause of action for "Conspiracy to Violate [California] Labor Code Section 558" is
8 dismissed as it fails to state facts sufficient to constitute a cause of action against defendant AC
9 Square, Inc..

10 Dated: _____

11 _____
12 Honorable Magistrate Judge Elizabeth D. Laporte

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